

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

ORDER No. 96-096

**ORDER SETTING ADMINISTRATIVE CIVIL LIABILITY
WEST MARIN SANITARY LANDFILL
POINT REYES STATION, MARIN COUNTY**

The California Regional Water Quality Control Board, San Francisco Bay Region (hereinafter called the Board), finds that:

1. West Marin Sanitary Landfill Inc. (hereinafter called the discharger) is alleged to have violated Waste Discharge Requirements for failure to submit technical reports as required by Board Order Nos. 85-79 and 93-113, and by written requests made pursuant to Water Code Section 13267. These issues were previously brought to the attention of the discharger in Board staff letters dated March 22, 1996 and July 2, 1996. Complaint No. 96-096 was transmitted to the discharger dated July 23, 1996.
2. The following facts are the basis for the alleged violations in this matter:
 - a. West Marin Sanitary Landfill Inc. leases and operates West Marin Sanitary Landfill (WMSL), a Class III municipal refuse disposal site located in Point Reyes Station, Marin County.
 - b. WMSL is located in the western portion of Marin County 1.5 miles north of the town of Point Reyes Station and 1/4 mile east of Highway 1. WMSL is an unlined landfill located in a side canyon of Tomasini Canyon. Waste has been placed to a height of up to approximately 150 feet above the ground surface and within 400 feet, laterally, of Tomasini Creek. The landfill is permitted to occupy a 25 acre area of which 11 acres have been filled. Downstream landuse is residential and agricultural.
 - c. A summary of the alleged violations are as follows:

Violation No. 1

**Phase 1 groundwater interceptor not installed
Report 265 days overdue**

The Executive Officer's September 21, 1995 letter required that a plan and schedule be submitted by October 13, 1995 and that the horizontal drains be installed by November 17, 1995. The intention of horizontal drains is to intercept upgradient groundwater and reduce the saturated thickness of waste. No such reports have been submitted. A March 22, 1996, Notice of Violation

was sent to WMSL regarding this issue. Pursuant to Water Code Section 13268, this is a violation for failure to furnish technical reports required under Section 13267.

Violation No. 2

Constituents of Concern (COC) Scan due November 15, 1995.

Report submitted 225 days overdue

The detection of volatile organic compounds above drinking water standards in downgradient groundwater monitoring wells triggered the Evaluation Monitoring Program required by Board Order No. 93-113 Section 13(c)(4)(A). WMSL has had knowledge that such an EMP was required since at least October 15, 1995. These requirements are self-implementing and it was WMSL's responsibility to carry out the Evaluation Monitoring Program elements within the time frames specified in the Order. Deadlines based on the October 15, 1995 trigger date required that a Constituents of Concern (COC) Scan be submitted by November 15, 1995. Failure to submit the report is a violation of Water Code Section 13350 based on non-compliance with an Order issued by a Regional Board. A March 22, 1996, Notice of Violation was sent to WMSL regarding this issue. As of the date of the initial Complaint (July 23, 1996), the COC Scan had not been submitted. However, the COC Scan was ultimately submitted on July 31, 1996.

Violation No. 3

Proposed Evaluation Monitoring Program

Report submitted 86 days late

The same detection of volatile organic compounds discussed in Violation No. 2 triggered requirements for submittal of a Proposed Evaluation Monitoring Program pursuant to Board Order No. 93-113 Section 13(c)(4)(B). WMSL has had knowledge that such an EMP was required since at least October 15, 1995. These requirements are self-implementing and it is WMSL's responsibility to carry out the Evaluation Monitoring Program elements within the time frames specified in the Order. Deadlines based on the October 15, 1995 trigger date required that a Proposed Evaluation Monitoring Program be submitted by January 15, 1996. A Proposed Evaluation Monitoring Program was eventually submitted April 11, 1996. Thus the report was submitted 86 days overdue. This is a violation of Water Code Section 13350 for violation of an Order issued by a Regional Board. A March 22, 1996, Notice of Violation was sent to WMSL regarding this issue.

Violation No. 4
Fourth Quarter/Annual 1995 Self Monitoring Report
Report submitted 107 days late

The combined Fourth Quarter 1995/Annual 1995 Self-Monitoring Report due on January 15, 1996 was submitted incomplete and 107 days late. Moreover, the sampling round scheduled for the fourth quarter was not conducted. This is a violation of Water Code Section 13350 for failure to submit a Self-Monitoring Report pursuant to a Board Order (Order No. 85-79). Since it is not possible to recreate the lost sampling data, calculation of the number of violation days is based on the period of time that the annual report was delayed. The annual report was submitted on May 2, 1996, or 107 days late.


3. This Order imposes a civil liability of \$58,300 of which \$53,300 is to be suspended if an acceptable Corrective Actions Feasibility Study Workplan is submitted by August 30, 1996 and the results of such a study are submitted by January 31, 1997. The \$5000 balance includes \$2,400 in staff costs.
4. The Board has fully considered the factors set forth for determination of the amount of civil liability set forth in the California Water Code Section 13327.
5. This action is an order to enforce the laws and regulations administered by the Board. This action is categorically exempt from the provisions of CEQA pursuant to Section 15321 of the Resources Agency Guidelines.

IT IS HEREBY ORDERED, PURSUANT TO THE CALIFORNIA WATER CODE SECTION 13268 and 13350, that the discharger, is civilly liable for this violation and shall pay administrative civil liability in the amount of \$58,300 of which \$53,300 is to be suspended if an acceptable Corrective Actions Feasibility Study Workplan is submitted by September 30, 1996 and the results of such a study are submitted by March 3, 1997 or a subsequent date as approved by the Executive Officer. Both reports must be acceptable to the Executive Officer. The discharger proposes to provide payment of \$2600 to the Friends of the Estuary, a nonprofit group, for an environmental education program in West Marin Schools. An environmental education workplan acceptable to the Executive Officer must be submitted by October 21, 1996. The project must be completed by July 1, 1997. Any money not used by that date must be submitted to this Board and made payable to the State Cleanup and Abatement Fund or directed toward an alternative proposal acceptable to the Executive Officer. The remaining \$2400 liability shall be paid to the State Water Pollution Cleanup and Abatement Account within 30 days of the date of this Order. The liability in the amount of \$53,300, if not suspended as described herein, shall be paid to the State Water Pollution and Abatement Account within 30 days of the date of a demand letter requesting payment issued by the Executive Officer.

by the Executive Officer.

IS HEREBY ORDERED, PURSUANT TO THE CALIFORNIA WATER CODE SECTION 13268 and 13350, that the discharger, is civilly liable for this violation and shall pay administrative civil liability in the amount of \$58,300 of which \$53,300 is to be suspended if an acceptable Corrective Actions Feasibility Study Workplan is submitted by August 30, 1996 and the results of such a study are submitted by January 31, 1997 or a subsequent date as approved by the Executive Officer. The \$5,000 liability shall be paid to the State Water Pollution Cleanup and Abatement Account within 30 days of the date of this Order. The remaining liability in the amount of \$53,300, if not suspended as described herein, shall be paid to the State Water Pollution and Abatement Account within 30 days of the date of a demand letter requesting payment issued by the Executive Officer.

I, Loretta K. Barsamian, Executive Officer, do hereby certify that the foregoing is a full, complete, and correct copy of an order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on August 21, 1996.


Loretta K. Barsamian
Executive Officer